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ABSTRACT

This guide describes "Just Images" a series of television programs and exhibitions that offers a public forum for analyzing television's influential portrayals of trials, lawyers, and the legal system. Contending that television portrayals of high-profile trials has altered the public's perception of law and the role of lawyers in the legal process, the program aims to better understand the interactions of mass communication, the legal profession, and the public's involvement in legal conflict. The pamphlet provides a brief history of criminal trials on television and describes several television excerpts that are contained in the Museum of Broadcast Communications collection. Additionally, the pamphlet briefly describes the backgrounds and qualifications of the moderator and panelists who appear in the scheduled television programs. (TSV)

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JUST

Television News Coverage of High Profile Criminal Trials

SO 026 713

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Welcome to "JUST IMAGES," a series of programs and exhibitions sponsored by the American Bar Association Division for Public Education in collaboration with The Museum of Broadcast Communications. The series will offer a public forum for analyzing television's influential portrayals of trials, lawyers, and the legal system. As a result, we hope that citizens will be better able to interpret and evaluate images of law and justice on television.

The Leon Jaworski Symposium for Public Education presents the occasion to initiate "JUST IMAGES" in conjunction with the 1995 American Bar Association Annual Meeting in Chicago. This program will examine how television has covered criminal trials of particular note since the 1950s. A second program, planned for spring 1996, will explore depictions of trials, lawyers, and the law on prime-time entertainment television shows.

We hope to extend the impact of these programs by disseminating video and/or written materials to state and local bar associations, libraries, and colleges and schools so as to enrich public dialogue and classroom teaching.

Hilarie F. Bass
Chair, American Bar Association Standing Committee on
Public Education

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On behalf of The Museum of Broadcast Communications, welcome to "JUST IMAGES: Television News Coverage of High-Profile Criminal Trials." Perhaps at no time in the nation's history has massive public attention been so focused on a matter of legal significance, as on the trial of O. J. Simpson. One thing has changed, has modified the nature of our collective encounters with such events.

Television has become even more central to our experience and understanding of the law and the role of lawyers in the legal process. If the medium has altered our understanding of such matters, it is time we understood better the interactions of mass communication, the legal profession, and the public's involvement in legal conflict. And we must now seek that understanding in a society defined as profoundly by its modes of communication as by its past and its sanctioned documents.

The programs presented by The Museum of Broadcast Communications and the American Bar Association Division for Public Education are an attempt to guide our consideration of these complex issues. In our first program, we examine the television coverage of high-profile cases. The museum is pleased to hold a collection that makes such work possible. Without these resources (and many others have been lost), we have only our memories to guide us. But our work is grounded in history—the education of memory—and with that education we begin.

We welcome your participation in the process.

Dr. Horace Newcomb
Curator, The Museum of Broadcast Communications

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Tuning in to the Courtroom:
A Brief History of Television and Criminal Trials

by Mindy S. Tressman

The 20th century is almost over, and we've had dozens of them so far. Trials of the century, that is. From the Scopes "Monkey" trial to the Lindbergh baby kidnapping to the spy trials of Julius and Ethel Rosenberg to the murder trials of Sam Sheppard, Charles Manson, and now O. J. Simpson.

What makes a case "the trial of the century," as each of these was called? The crime, the accused, the lawyers, the legal issues, and, of course, the media.

Dr. Sam Sheppard
UPI/Bettmann Newsphotos

Through the years, as a variety of crimes gripped the public attention, broadcast coverage of trials evolved. We've come a long way from the days when wires snaked across courtroom floors, flashbulbs popped relentlessly, and reporters sat so close to defendants and their attorneys that they could not talk without being overheard. Nowadays, we can watch every minute of a live trial on Courtroom Television Network (Court TV), broadcast to millions of viewers nationwide in the most unobtrusive way—one small camera operating by remote control, no special lighting or sound equipment, no editing or commentary by reporters.

Why is the public so drawn to these cases? What motivates public interest and broadcast coverage of criminal trials? When the U.S. Supreme Court described the trial of 30-year-old Cleveland osteopath Sam Sheppard, accused of murdering his wife in 1954, it provided some answers: "[M]urder and mystery, society, sex, and suspense were combined in this case in such a manner as to intrigue and captivate the public fancy to a degree unparalleled in recent annals. Throughout the pre-indictment investigation, the subsequent legal skirmishes and the . . . trial, circulation conscious editors

Mindy S. Trossman is an attorney and senior lecturer at Northwestern University's Medill School of Journalism in Evanston, Illinois, where she teaches courses in media law, ethics, and legal reporting. Previously, she was the assistant director of the Criminal Justice Project of Cook County, Illinois, and an attorney in private practice.

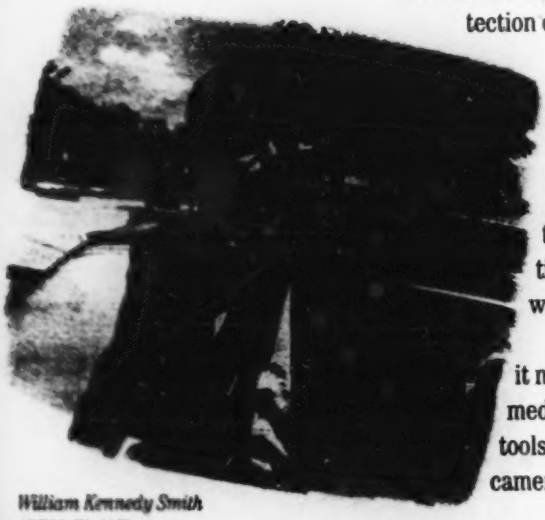
catered to the insatiable interest of the American public. In this atmosphere . . . [a man] stood trial for his life."

If public opinion had prevailed originally, though, we may never have had live broadcast coverage of criminal trials. In 1924, during a hearing to determine whether teenagers Nathan Leopold and Richard Loeb should be sentenced to death for kidnapping and murdering the 14-year-old son of a wealthy businessperson, the *Chicago Tribune* explored the possibility of broadcasting the court proceedings over its radio station WGN. Seeking the public's opinion on the question, the *Tribune* learned that the majority was against the idea.

"It will teach other fellows how to extort money from the rich. The case has already put the idea into the minds of many youths," a Chicago resident said.

A Michigan City, Indiana, woman pleaded, "Give us, not this ugly case, but WGN with its good music, and its announcer's voice." The radio station decided not to broadcast the hearing.

Back then, the idea of broadcasting court proceedings was conceived as a "whimsy," according to the *Tribune*. Today, television in courtrooms is a logical extension of the constitutional principle of a public trial. That principle contemplates not just the protection of the accused but the enlightenment and education of the public.



William Kennedy Smith
AP/Wide World Photos

Yet cameras in the courtroom, which now seem to be ever-present, were not always allowed. After 700 reporters and 130 cameramen descended on the tiny town of Flemington, New Jersey (pop. 2,500), in 1935 to cover the trial of Bruno Hauptmann for the kidnap-murder of aviation hero Charles Lindbergh's baby, the movement against cameras in the courtroom was triggered. Encouraged by the American Bar Association, most courtrooms banned cameras shortly thereafter. It stayed that way for nearly half a century.

While this did not stop broadcasters from reporting on criminal trials, it made their jobs much tougher. In fact, broadcasters argued that the print media were being treated more favorably. Print reporters could bring their tools—notepads and pencils—into court. Why couldn't broadcasters take in cameras and microphones?

Lyle and Erik Menendez with attorneys Gerald Chaleff (left) and Robert Shapiro (right).
AP/Wide World Photos

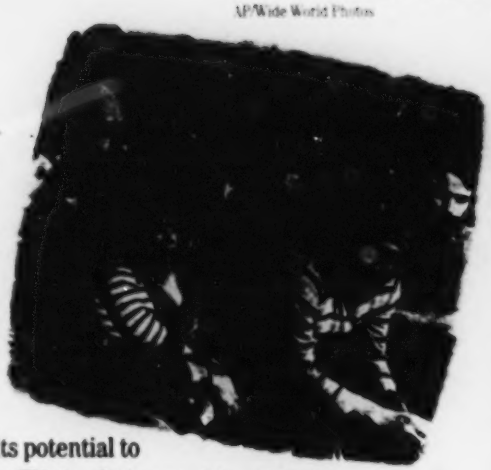
In the years that followed, the broadcast media lobbied hard for cameras in the court room, and rapid changes in technology helped their cause. As television moved from an entertainment instrument in the 1950s to a reliable and timely news and information source in the late 1960s and 1970s, broadcasters were able to demonstrate to judges that they could act responsibly if permitted to film in court. The increasing pervasiveness of television in our society also helped change judicial attitudes. By the mid-1970s, the courts had begun to experiment with cameras in the courts; by 1980, many states had lifted the bans. Today, 47 states including Illinois permit broadcast coverage of at least some judicial proceedings. Federal courts, including the U.S. Supreme Court, still prohibit any kind of broadcast coverage.

Allowing broadcast coverage of the proceedings has altered the way broadcasters report on cases. Several critics have taken the broadcast media to task for often limiting coverage to a sound bite on the evening news. It is true that the start-to-finish coverage tends to be more subdued and responsible than many of the lurid quotes taken out of context for some news reports. Yet viewers no longer have to rely solely on reporters' observations or the interpretations of lawyers interviewed outside on the courthouse steps. Broadcasters have given viewers a glimpse inside the courtroom instead of just showing footage of people being led to the courthouse in handcuffs.

Of course, broadcast coverage is not, and has never been, limited to what goes on inside the courtroom. Many criminal trials have been dominated by other images—Abbie Hoffman, Jerry Rubin, and other protesters being rounded up at the 1968 Democratic convention in Chicago; President Ronald Reagan slumping into a limousine after being shot by John Hinckley, Jr.; the police sketch of the suspected Atlanta child murderer; the aerial view of the white Bronco moving down the Los Angeles freeway.

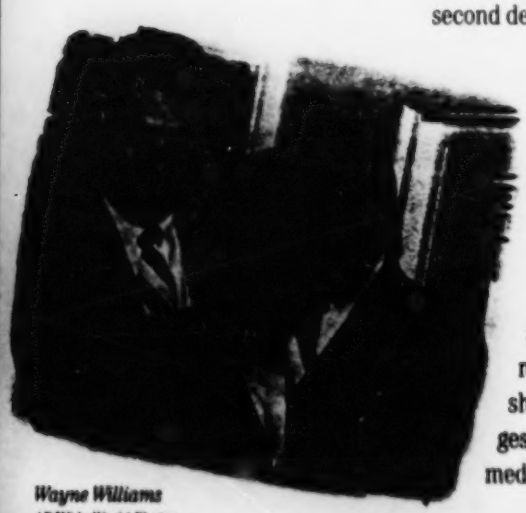
Indeed, some images may not add to the public's understanding of the judicial process and may even cause confusion. Didn't we watch Washington, D.C., Mayor

Chicago Seven Conspiracy Trial
AP/Wide World Photos



Marion Barry smoke crack cocaine, former automaker John DeLorean sell drugs to undercover agents, and Los Angeles police officers beat unarmed motorist Rodney King? Why, then, was none of them found guilty of the felony charges? The legal process is more complicated than those pictures suggest, and broadcasting the images without any explanation or analysis can do more harm than good, some argue.

For all the criticism of broadcast coverage, its potential to illuminate the proceedings is unmistakable. Court TV, the 24-hour cable network devoted exclusively to real courtroom trials, has taken off faster than anyone, including its owners, expected. Whoever thought viewers would watch gavel-to-gavel coverage of trials? But now in its fourth year, Court TV's straightforward approach and its knowledgeable commentators have shown a commitment to journalism. When it broadcast the William Kennedy Smith rape trial in 1991 and shared its feed with the other networks, Court TV voluntarily shielded the identity of Smith's accuser and used a 10-second delay to delete her name.



Wayne Williams
AP/Wide World Photos

In addition to revealing relevant information about the legal system, trial coverage has served as the news "peg" for other stories. The Chicago Seven trial generated stories on youth groups and "radical" politics in the 1960s; the 1980 trial of John Hinckley, Jr., prompted the media to explore questions of mental health and the insanity defense; the William Kennedy Smith case led to stories about date rape; and the O. J. Simpson trial has generated stories on domestic violence and DNA evidence.

Coverage of trials sometimes has gotten excessive. The number of attorneys who act as consultants to analyze court proceedings for national news programs has grown into a cottage industry. Experts on morning talk shows analyze the facial expressions of Lyle and Erik Menendez and the gestures of O. J. Simpson. Even the attorneys involved in the cases are more media savvy and know how to talk in sound bites.

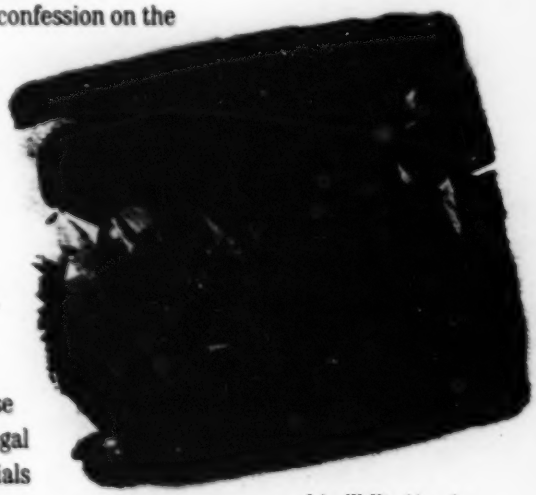
To be sure, there have been low points in broadcast coverage of trials. Less than one week before a grand jury handed down its indictment of Bernard Goetz for the attempted murder of four teenagers in a New York City subway in 1984, ABC-TV's "20/20" correspondent Geraldo Rivera portrayed Goetz in a dramatized re-creation of the incident. Media critic Tom Collins wrote in *Newsday*, "[T]he coverage has gone beyond circus and has crossed into carnival."

And a tabloid program paid $40,000 to a prosecution witness in the William Kennedy Smith case so that she would tell her story exclusively on the air. That transaction became a trial issue when Smith's attorney used it to discredit her testimony in court.

What has the broadcast media taught society about crime and the administration of justice? Critics are afraid that television ignores substance and complexity and goes for the sensational. Actually, the opposite may be true. The fears that the public will learn the wrong lessons about the way the judicial process works may be fears only of lawyers and judges. Television dramas since the days of "Perry Mason" have given us an unrealistic view of the American judicial system. Sure, in real life there are bombastic attorneys, occasional last-minute witnesses, and a rare tearful confession on the witness stand. But not every 60 minutes.

In reality, the process is deliberate and messy. Broadcast coverage of criminal trials, while distasteful to some, has helped demystify the judicial system. The *Chicago Tribune*, commenting recently about the O. J. Simpson case, observed that people ordinarily unaccustomed to courtroom procedures get a chance to watch it at work—close up, warts and all. The public has found that it is not always an interesting, easy-to-understand, or a comfortable process. Yet they learn from it.

As broadcast coverage of criminal trials expands, we look to the future. Does the public understand the legal process any better because of broadcast coverage? How will broadcast coverage of trials impact legal ethics? How will it impact media ethics? Has broadcast coverage of trials really been so sensational, or has it raised public awareness of trials and the legal system? Stay tuned.



John W. Hinckley, Jr.
UPI/Bettmann

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MODERATOR

John Drummond has been a general assignment reporter for Chicago's WBBM-TV since 1969. One of the city's most colorful broadcasters, he has become known around the country as an outstanding crime reporter, specializing in stories about organized crime and criminal trials in Chicago.

"Drummond's Chronicles," a popular news series that initially aired in 1979, profiled Chicago characters such as all-night cabbies, skid row habitués, and associates of crime syndicate members. Today, he continues this type of reporting on an occasional basis.

Drummond has received six Chicago Emmys for a variety of stories, including, most recently, an award for individual excellence for a 1990 prime-time special, "Crime Capers and Characters."

Prior to joining WBBM-TV, Drummond worked as a news broadcaster at WIND Radio and as legislative correspondent for WHO Radio in Des Moines, Iowa.

Drummond received a B.A. and an M.A. in political science from the University of Minnesota and did graduate work at Northwestern University's Medill School of Journalism in Evanston, Illinois.

PANEL

Paul Joseph is professor of law at Nova Southeastern University in Fort Lauderdale, Florida. He is the author of books and articles on a wide variety of subjects, including human rights, civil liberties, criminal procedure, and the images of law and lawyers on popular television. He served as president of the American Civil Liberties Union of Florida from 1990–93, and currently serves as vice-chair of the First Amendment Rights Committee of the ABA's Section of Individual Rights and Responsibilities.

Tim O'Brien is an attorney and a legal reporter for ABC-TV News and the network's chief correspondent at the U.S. Supreme Court. In his 17 years on the job, he has reported on the confirmation of six Supreme Court Justices. His assignments with the network also include the Justice Department, the FBI, and general law issues; he has covered the trials of O. J. Simpson, Oliver North, and John Hinckley, Jr. Mr. O'Brien wrote and reported the network's prime-time documentary on the American criminal justice system, which received several awards, including a Silver Gavel from the American Bar Association.

Wesley Skogan is a professor at Northwestern University, where he holds a joint appointment in the Department of Political Science and the Center for Urban Affairs and Policy Research. An expert on the subject of crime, he has authored numerous books and articles on criminal victimization, the fear of crime, and community policing, including *Disorder and Decline: Crime and the Spiral of Decay in American Neighborhoods* (1990). His most recent research focuses on the relationship between the public and the criminal justice system.

Mindy S. Tressman is an attorney and senior lecturer at Northwestern University's Medill School of Journalism. She has practiced law specializing in First Amendment litigation and co-authored two books on criminal justice, including *Criminal Justice Policymaking: Boundaries and Borderlands*. She was an investigative reporter for the Better Government Association of Chicago from 1977–82, where she wrote and produced stories for "60 Minutes," "20/20," NBC News, and other media.

Kym Worthy is a judge of the Detroit Recorder's Court, the criminal court of Detroit. She served for 10 years in the Wayne County Prosecutor's office, where she prosecuted numerous high-profile jury trials including the case of two Detroit police officers convicted of the beating death of Malice Green, a trial featured on Court TV in 1993. She has offered legal commentary for network and cable television, including NBC, Court TV, and Black Entertainment Television, and she has been featured in frequent interviews by the national media.

ome Highlights of the MBC Archives

American Justice: Doctor Sam Sheppard (1992)

Decades before *The People of the State of California v. O. J. Simpson*, the accusation of prominent Cleveland physician Sam Sheppard of his wife's murder contained many of the Simpson trial's same elements: a wealthy, renowned individual; a frenzied press; and a public rush to judgment. As recalled in this edition of Towers Productions' A&E documentary series, Sheppard was convicted of this crime as much by the sensational press coverage as by the members of his (unsequestered) jury. Though the U.S. Supreme Court eventually overturned his conviction, vintage film footage and host Bill Kurtis vividly recount the horror of a system gone haywire, the media run amok, and one innocent person's life irrecoverably interrupted.

Dr. Sam Sheppard with attorney F. Lee Bailey
Cleveland State University

20/20: Interview with John, Sr., and Jo Ann Hinckley

(April 28, 1993)

This heartaching, first formal interview with the parents of John Hinckley, Jr., was conducted by Barbara Walters in 1993. Attempting to answer questions for which there are, ultimately, no answers, they nevertheless present a discussion that is emotional, intelligent, and honest. Along with openly relating their son's history and their own ordeal, they also comment on his controversial insanity defense, believing that there is a line between ill ness and evil and that, in an imperfect world, it still has to be the job of the courts to determine it.

John W. Hinckley, Jr.
AP/Wide World Photos

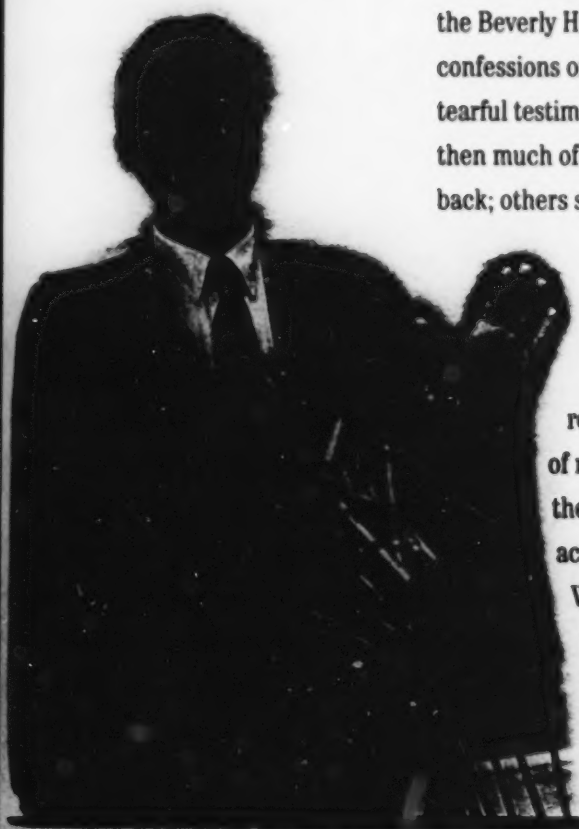
Lyle and Erik Menendez
AP/Wide World Photos

Trial Story: The Menendez Trial

(1994)

Since its inception in 1991, Court TV has further heightened the profile of even the most high-profile cases by bringing courtrooms into the living rooms of millions of homes. Its uninterrupted, unfiltered gavel-to-gavel coverage of court proceedings often takes on the dramatic flair and emotional intensity of quality soap opera. This was never more evident than in the Beverly Hills trial of Lyle and Erik Menendez. The brothers tempered their confessions of parricide with claims of physical and sexual abuse. Their often tearful testimony made for compelling viewing that first divided their juries and then much of the nation. Some saw in them two longtime victims finally striking back; others saw two spoiled rich kids getting away with murder.

William Kennedy Smith
UPI/Bettmann Newsphotos



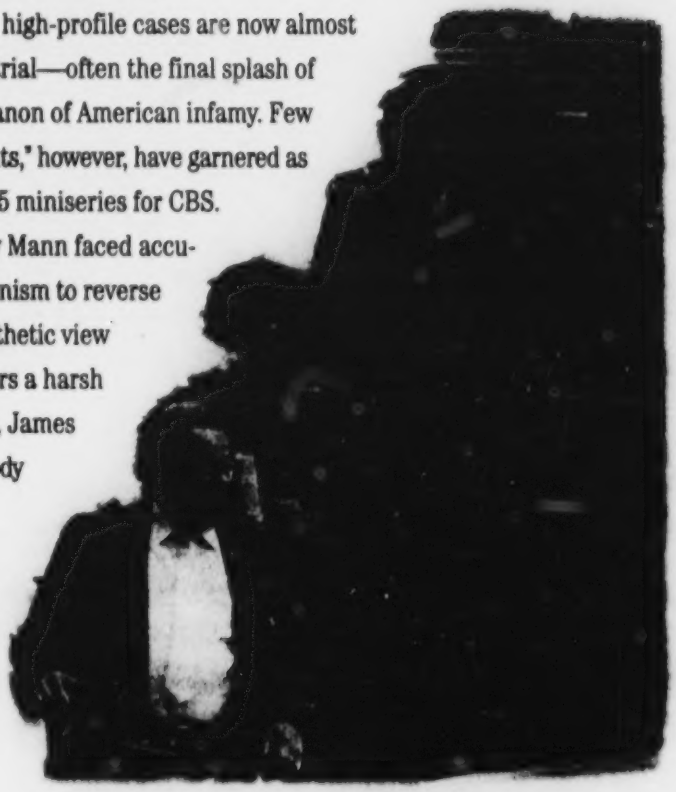
Primetime Live: Interview with Patricia Bowman

(December 19, 1991)

As viewers have learned with the Rodney King case and other recent trials, the final verdict in a court case seldom signals the end of media interest in its subjects. In the weeks following a decision, the rush to talk shows is a given for both the accused and the accusers—an act of spin control and redemption. In the wake of William Kennedy Smith's acquittal on rape charges, the alleged victim, Patricia Bowman, faced the camera—and Diana Sawyer's tough questions—without the computer-generated dot that hid her identity during the trial. In this episode of the ABC newsmagazine, Bowman discusses her life, the trial, and that night in 1991.

ATLANTA CHILD MURDERS (December 10 and 12, 1985)

Prime-time docudramas based on true-life, high-profile cases are now almost inevitable. They come along as a coda to a trial—often the final splash of publicity before these cases sink into the canon of American infamy. Few films for television, "inspired by real-life events," however, have garnered as much attention and controversy as this 1985 miniseries for CBS. Even before shooting began, producer Abby Mann faced accusations ranging from opportunism to revisionism to reverse racism. Mann's film takes a decidedly sympathetic view of convicted killer Wayne Williams and offers a harsh opinion of Southern justice. Jason Robards, James Earl Jones, Morgan Freeman, and Lynne Moody starred. For better or worse, this highly rated TV movie remains the most that millions of Americans know about this legendary trial.



Wayne Williams
AP/Wide World Photos

Cary O'Dell
Archives Director
The Museum of Broadcast Communications

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THE COLLECTION

The archival collection assembled for this program consists of more than 30 television programs (50 hours) of news coverage of criminal trials. The collection may be viewed in its entirety at The Museum of Broadcast Communications (MBC).

Location

The MBC is located at the Chicago Cultural Center (Michigan Avenue at Washington Street). The museum is open from 10 a.m. to 4:30 p.m. Monday through Saturday, and noon to 5 p.m. on Sunday. Admission to the museum is free. For more information on the MBC, call 312/629-6000.

"JUST IMAGES: TELEVISION NEWS COVERAGE OF HIGH-PROFILE CRIMINAL TRIALS" program will be held on Saturday, August 5, 1995, from 10 a.m. to 12 p.m., at the Intercontinental Hotel / 7th Floor Ballroom, 505 North Michigan Avenue in Chicago, in conjunction with the 1995 Annual Meeting of the American Bar Association.

Admission

Program admission is free. Museum members and the general public must reserve seats; please call 312/629-6023 by August 2.

American Bar Association Division for Public Education

The American Bar Association (ABA), through its 370,000 members and organized sections and committees, is the national voice of the legal profession. The ABA Division for Public Education conducts programs, develops resources, provides technical assistance and information clearinghouse services, and fosters partnerships among bar associations, educational agencies, and other groups so as to increase the understanding of law and its role in society. The division conducts public education programs for the general public, as well as those directed toward reaching distinct constituencies such as youth, college and university students, and adults. Among the division's programs is the ABA Gavel Awards, which honors outstanding electronic and print media contributions to public understanding about law.

The Museum of Broadcast Communications

The Museum of Broadcast Communications (MBC) is one of only two broadcast museums in America. The museum examines popular culture and contemporary American history through the sights and sounds of television and radio.

The museum collects and preserves historic and contemporary radio and television programming and advertising that captures the essence of American society. This unique audio and video collection is available to the public through the museum's extensive public archives of over 70,000 radio and television programs and commercials. Exhibits, educational programming, special events, and live broadcasts also provide opportunities for education, entertainment, and critical viewing.

ACKNOWLEDGMENTS

"Just Images: Television News Coverage of High-Profile Criminal Trials"

This exhibition and symposium are a collaboration of the American Bar Association Division for Public Education and The Museum of Broadcast Communications.

Sponsored by the American Bar Association Standing Committee on Public Education

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Commission on College and University Legal Studies
Section of Criminal Justice
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